

Response Under 37 CFR §1.111

REMARKS

Applicants have studied the Office Action dated December 15, 2003. It is submitted that the application is in condition for allowance. Claims 1, 5, 16, 20 and 31 have been amended. No new matter has been added. Claims 1-34 are pending in view of the above amendments. Reconsideration and allowance of the pending claims in view of the above amendments and the following remarks are respectfully requested. In the Office Action, the Examiner:

- rejected claims 1-34 under 35 U.S.C. § 103(a) as being unpatentable over Nielsen (U.S. 5,948,054)

Rejection under 35 U.S.C. §103(a) over Nielsen (U.S. 5,948,054)

As noted above, the Examiner rejected claims 1-34 under 35 U.S.C. § 103(a) as being unpatentable over Nielsen. Independent claims 1, 5, 16, 20 and 31, from which claims 2-4, 6-15, 17-19, 21-30 and 32-34 depend, respectively, have been amended in order to more particularly point out and distinctly claim the Applicants' invention, and to overcome the Examiner's rejection. Specifically, independent claims 1, 5, 16, 20 and 31 have been amended to specify the selection of experts to answer a question based on the timeliness of an expert in answering questions. In view of the foregoing amendments and the remarks below, Applicants respectfully submit that the the Examiner's rejection has been overcome.

The Nielsen reference is directed to a networked computer system including a customer computer associated with a human customer, one or more consultant computers associated with one or more human consultants, and a server computer. The human customer sends an information request to the server via the customer computer. The request, which includes a question that the customer wishes to have answered, does not specify a consultant from which the answer may be obtained. In response, the server determines which one or ones of the consultants is qualified to

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provide the requested information. The server then solicits the requested information from one or more of the qualified consultants. If at least one of the qualified consultants decides to provide the requested information, then the server receives the information from the consultant via one of the consultant computers. Thereafter, the server sends the information to the customer via the customer computer. In this manner, the server matches the human customer with the question with a human consultant with the answer. By doing so, the server enables the customer to obtain an answer to his question without knowing up front which consultant has sufficient knowledge to provide the answer.

The Nielsen reference, however, does not disclose the selection of experts to answer a question based on the timeliness of an expert in answering questions (as disclosed in amended independent claims 1, 5, 16, 20 and 31). For example, amended independent claim 1 specifies "*an expert ranking database for maintaining a list of experts . . . along with an item of information indicative of timeliness of an expert in providing answers and . . . an expert set determinator for extracting a set of experts . . . based on the item of information of each expert.*" Amended independent claims 5 and 20 specify "*extracting a set of experts with associated ranking scores, wherein ranking scores are based on timeliness of each expert in providing answers.*" Amended independent claims 16 and 31 specify "*selecting a set of experts on the basis of timeliness of each expert in providing answers and the quality of the answers provided by each expert.*" The Nielsen reference makes no mention of the timeliness of an expert in responding to questions posed. This is an important aspect of the Applicants' invention since it allows the system to direct questions to experts who show a history of answering questions in a timely manner, thus providing a better service to those individuals posing the questions. This concept is discussed on page 10 line 28 to page 11 line 5 of the Applicants' specification, reproduced in relevant part below:

*In the former case the schedule manager may sort the set in a process step (not shown). The ranking depends on the experts past performance in terms of quality and timeliness in supplying answers. The sorting is*

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*important because it insures that experts who give better answers in a more timely fashion will be the first experts to receive new questions. The set of experts received in process block 408 will also include contact information which may take the form of email addresses, or pager numbers.*

Therefore, because the Nielsen reference makes no mention of the timeliness of an expert in responding to questions posed, amended independent claims 1, 5, 16, 20 and 31 distinguish over the Nielsen reference. The Nielsen reference does not teach, anticipate, or suggest all of the recited elements of independent claims 1, 5, 16, 20 and 31. Therefore, the Examiner's rejection should be withdrawn and it is respectfully submitted that amended Independent claims 1, 5, 16, 20 and 31 are in a condition for allowance.

Further, because independent claims 1, 5, 16, 20 and 31 distinguish over the Nielsen reference, dependent claims 2-4, 6-15, 17-19, 21-30 and 32-34, which depend from independent claims 1, 5, 16, 20 and 31, also distinguish over the Nielsen reference. Therefore, the Nielsen reference does not teach, anticipate or suggest all of the recited elements of dependent claims 2-4, 6-15, 17-19, 21-30 and 32-34. Therefore, the Examiner's rejection should be withdrawn and it is respectfully submitted that dependent claims 32-4, 6-15, 17-19, 21-30 and 32-34 are in a condition for allowance.

### CONCLUSION

The remaining cited references have been reviewed and are not believed to affect the patentability of the claims as amended.

In this Response, Applicants have amended certain claims. In light of the Office Action, Applicants believe these amendments serve a useful clarification purpose, and are desirable for clarification purposes, independent of patentability. Accordingly,

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Applicants respectfully submit that the claim amendments do not limit the range of any permissible equivalents.

Applicants acknowledge the continuing duty of candor and good faith to disclosure of information known to be material to the examination of this application. In accordance with 37 CFR §1.56, all such information is dutifully made of record. The foreseeable equivalents of any territory surrendered by amendment is limited to the territory taught by the information of record. No other territory afforded by the doctrine of equivalents is knowingly surrendered and everything else is unforeseeable at the time of this amendment by the Applicants and their attorneys.

Applicants respectfully submit that all of the grounds for rejection stated in the Examiner's Office Action have been overcome, and that all claims in the application are allowable. No new matter has been added. It is believed that the application is now in condition for allowance, which allowance is respectfully requested.

**PLEASE CALL** the undersigned if that would expedite the prosecution of this application.

Respectfully submitted.

Dated: March 9, 2004

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